

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:20-cr-00185

WILBERT JAMES SMITH, JR.,

Defendant.

**ORDER OF DETENTION**

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a two-count Indictment. Counts 1 charges him with possession with intent to distribute heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(1) and counts 2 charges him with possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924 (c)(1)(A)(i). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis the he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a risk of non-appearance, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on December 21, 2020, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral

submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of detention regarding risk of non-appearance, but not as to danger to the community. Moreover, the Court finds, as explained on the record, that the government has sustained its burden by clear and convincing evidence that he is a danger to the community, and that there is no condition or combination of conditions of release that will ensure the safety of the community. Accordingly,

**IT IS ORDERED** that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on December 21, 2020.

Date December 21, 2020

/s/ Phillip J. Green  
PHILLIP J. GREEN  
United States Magistrate Judge